

CHARTER

OF THE

City of Hyattsville

PRINCE GEORGE'S COUNTY, MARYLAND

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HYATTSVILLE

ARTICLE I Incorporation

Section C1-1. General corporate powers.

The inhabitants of the city included within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of the “City of Hyattsville,” formerly having been denominated the “Mayor and City Council of Hyattsville,” with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

Section C1-2. Filing of courses and distances showing corporate city limits. (See note (1))

The courses and distances showing the exact corporate limits of the city shall be filed at all times with the Clerk of the Circuit Court in Prince George’s County, the Commissioner of the land office and the Director of the Department of Legislative Reference. A copy of the courses and distances describing the corporate boundaries shall be on file in the office of the Mayor or of the Clerk. All the officials named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

ARTICLE II City Council

Section C2-1. Establishment; composition.

The government of said city shall be vested in a Mayor and ten (10) Councilmen, to be elected as hereinafter provided for, who shall compose the City Council.

Section C2-2. Election; term of office; qualifications.

A. *Election; tenure.* The Mayor shall be elected from the city at large and shall be elected for a term of four (4) years. One (1) Councilman shall be elected from each ward of the city concurrent with the election of the Mayor, and one (1) Councilman shall be elected from each ward of the city two (2) years thereafter. Each Councilman shall be elected for a term of four (4) years, except in case of an election to fill a vacancy in that office, in which case the election shall be until the next regular city election. The Mayor and Councilmen shall hold their respective offices for the several terms aforesaid and until their successors shall have been duly elected and qualified, unless otherwise terminated by operation of law. The Mayor and all Councilmen shall retain throughout their respective terms of office all the qualifications

necessary for their election, and their failure to retain all such qualifications shall ipso facto cause a forfeiture of their respective offices. (Amended 5-15-78 by HR No. 2-78.)

B. *Qualifications.* No persons shall be eligible as Mayor or Councilmen except those who, upon the day of election, shall be citizens of the United States, registered voters of the City of Hyattsville, actual bona fide residents of the City of Hyattsville and, in the case of Councilmen, residents of the ward from which they shall be elected. (Amended 5-1-72) (See note (1))

C. *Restrictions.* Neither the Mayor nor any of the Councilmen shall hold any other office with the city during their respective terms of office, neither shall they nor any other officer of the city, either directly or indirectly through the medium or agency of other persons, enter into any contract or contracts with the city. (See note (1))

D. *Required attendance to serve.* The Mayor and/or a member of Council may be removed from office as a result of extended absenteeism, which is defined as missing in excess of fifty percent (50%) of each of the Council regular and special legislative meetings and meetings a a [of] committees of the whole in any calendar year. The Mayor or five (5) Council members shall have the authority to convene a public hearing on the issue of the extended absenteeism of the Mayor and/or member of Council.

E. *Removal from office.* After a public hearing on the issue of the extended absenteeism of the Mayor and/or member of Council, the Mayor and/or member of Council may be removed from office as a result of such extended absenteeism by an affirmative vote of two-thirds (2/3) of the members of the Council. (Res. No. 2003-07, 3-25-03.)

Section C2-3. Organization; vacancies; powers and duties of Mayor; meetings; quorum.

A. The Council shall meet on the third Monday in May of each election year herein provided for, when those members just elected shall qualify by taking the oath required by the provisions of Section C12-1 of this Charter, and the Council shall proceed to organize by electing two (2) of their number President and Vice President of the Council.

B. (1) If a vacancy is created in the Office of Mayor or any Councilmember by reason of death, refusal or inability to act, disqualification, resignation or removal beyond the corporate limits of the city, then the remaining Councilmembers shall notify the Board of Supervisors of elections to proceed to fill such vacancy by special election which must be held within 75 days of the date the vacancy is created, for the balance of the term of the Mayor or that of a Councilmember.

(2) A special election shall not be required and the vacancy shall remain, if the election is to occur within 150 days of any regularly scheduled election.

(3) In the event that the special election is scheduled for a date when voting machines or other equipment necessary to conduct the election are not available the election may be postponed for no more than thirty (30) days.

(4) In the event of a vacancy in the Mayor's position, the president of the Council shall serve as Mayor until such time as a new Mayor is elected.

C. The Mayor shall preside at all meetings of the Council and shall have all the privileges of a Councilman in debate and vote. The President of the Council shall, in the absence of the Mayor, preside at all meetings. The Vice President shall, in the absence of the Mayor and President, preside at all meetings.

D. The City Council shall hold two (2) regular monthly meetings on the first and third Mondays of each month at 8:00 p.m., except during the months of June and August when there shall be one (1) meeting on the first Monday of the month and the months of July and September when there shall be one (1) meeting on the third Monday of the month, unless said day is a legal holiday or a quorum should not be present. In such an event, the regular meetings shall be held on the next business day when a quorum can be obtained or at such time as the Mayor may designate, not more than one (1) week from the date that said meeting should have been held.

E. The regular meeting shall be open for the transaction of any business that may come before the City Council for action, subject to such rules and regulations as the City Council may determine.

F. Special meetings of the City Council may be convened by the Mayor or at the request of five (5) members of the Council. Special meetings shall be confined to the business set out in the call for such meetings unless there is unanimous consent of all Councilmen present to the consideration of other matters.

G. The Mayor shall be the executive officer of the city with all the power necessary to secure the enforcement of all city ordinances, resolutions and laws under this Charter.

H. Except as provided in Subsection B, at all meetings of the City Council the Mayor and five (5) Councilmen or, in the absence of the Mayor, six (6) Councilmen present shall constitute a quorum for the transaction of business. At least six (6) affirmative votes shall be necessary for the passage of all ordinances, resolutions or laws; and they shall take effect from the date of their passage unless otherwise provided therein. (Amended 5-15-78 by HR No. 3-78.) (Res., Nov. 20, 1984; Res. 3-92, 6-23-92; Res. 98-07, 1-26-99.)

Section C2-4. Meetings open to public.

All meetings of the Council shall be open to the public, except as otherwise authorized to be closed pursuant to state law, and residents of the city shall have a reasonable opportunity to be heard at all regular open meetings in regard to any municipal question. (Res. 4-92, 9-22-92.)

Section C2-5. Compensation of Mayor.

The Mayor shall receive an annual salary as set, from time to time, by an ordinance passed by the Council in the regular course of business; provided, however, that the

compensation of the Mayor be determined pursuant to the provisions of Section C2–6.1. (See note (2)) (Res. No. 4–91, 1–21–92.)

Section C2–6. Compensation of Councilmembers.

Each Councilmember shall receive an annual salary which shall be equal for all Councilmembers and shall be as specified, from time to time, by an ordinance passed by the Council in the regular course of its business; provided, however, that the compensation of the Councilmember [Councilmembers] be determined pursuant to the provisions of Section C2–6.1. (See note (2)) (Res. No. 4–91, 1–21–92.)

Section C2–6.1. Compensation Review Committee.

Every four (4) years, at least one hundred and eighty (180) days prior to a mayoral election, the Mayor shall appoint, with Council approval, a seven person committee whose membership shall be comprised of at least one member from each ward of the City, to review and make recommendations for the compensation of both the Mayor to be elected in the next municipal election and all City Council members serving during that upcoming four year term. The Compensation Review Committee shall make its recommendation as to any compensation increase, decrease or lack of change in the existing compensation to the Mayor and City Council at least ninety (90) days prior to the election. The Mayor and Council shall have no power to alter or amend the Commission's recommendation, but shall either accept or reject it, by motion, resolution or ordinance. (Res. No. 5–91, 1–21–92; Res. No. 2008–07, 4–22–08.)

Section C2–7. Judgment of qualifications.

The Council shall be the judge of the election and qualification of its members. (See note (3))

Section C2–8. Rules of procedure. (See note (1))

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution or ordinance or at any other time if required by any one (1) member. The journal shall be open to public inspection during normal business hours at the City Office.

Section C2–9. Passage, publication and effective date of legislation; emergency legislation. (See note (1))

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed or passed as amended or rejected or its consideration deferred to some specified future date. In cases of emergency, the above requirement may be suspended by the affirmative votes of a majority of the members of the Council. Every ordinance shall become effective on the date the ordinance specifies which date shall be no less than twenty (20) calendar days following passage. An emergency ordinance

shall become effective on the date specified in the ordinance without regard to the twenty (20%) calendar day period specified above. A fair summary of each ordinance shall be published twice in a newspaper having general circulation in the city. (Res. No. 2003-20, 3-25-03.)

Section C2-10(A). Procedure for referendum. (See note (1))

If, before the expiration of 30 business days following passage of any ordinance, a petition is filed with the Clerk containing the signatures of not less than twenty percent (20%) of the qualified voters of the city and requesting that the ordinance or any part thereof be submitted to a vote of the qualified voters of the city for their approval or disapproval, the Council shall have the ordinance or the part thereof requested for referendum submitted to a vote of the qualified voters of the city at the next regular city election or, in the Council's discretion, at a special election occurring before the next regular election. No ordinance or the part thereof requested for referendum shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance or the part thereof requested for referendum shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance or any part thereof has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, then the operation of the ordinance or the part thereof requested for referendum shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance or part thereof disapproved by the voters shall stand repealed. The provisions of this section shall not apply to any ordinance or part thereof passed under the authority of Section C3-2A of this Charter levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance or any part thereof levying special assessment charges under the provisions of this Charter. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them. (Res. No. 2003-03, 3-25-03.)

Section C2-10(B). Procedure for Voter Ballot Initiative.

(1) *Request for a voter ballot initiative.* A qualified voter of the City may submit to the Clerk of the City, along with a two hundred dollar (\$200.00) filing fee, a proposed voter ballot initiative containing a request for a Charter change or a proposed ordinance, other than for a Charter change or ordinance addressing § C3-2A(2) or § 3C-2A(4) [§ C3-2A(4)] or § C3-2A(17) of this Charter or Charter changes or ordinances passed under the authority of § C3-2A(2) or § 3C-2A(4) [§ C3-2A(4)] or § C3-2A(17) of this Charter. The Clerk shall submit a copy of the proposed voter ballot initiative to the Council and the City Attorney for the City. If the Council determines that there is a reasonable probability the proposed voter ballot initiative will eventually be submitted to the voters of the City, the Council will direct the City Attorney for the City to draft and/or approve the text of the proposed voter ballot initiative as specified and in conformance with the provisions of the Charter and other applicable law. The proponent may also seek the assistance of their own private counsel to assist in the drafting of the text of the proposed voter ballot initiative to be included in the petition. When drafted and/or approved, the City Attorney for the City shall submit a copy of the text of the proposed voter ballot initiative to the proponent and the City Council. The proponent of the proposed voter ballot

initiative shall insert the City Attorney drafted and/or approved text of the proposed voter ballot initiative in the petition which the proponent intends to circulate among the qualified voters of the City. All petitions for proposed voter ballot initiatives must comply with the provisions of this section regardless of whether the same or similar proposed voter ballot initiative(s) were previously filed with the Clerk.

(2) *Submission of petition.* If, before one hundred and twenty (120) calendar days prior to a regular City election, a petition is filed with the Clerk containing the signatures of not less than twenty percent (20%) of the qualified voters of the City, requesting and favoring that a Charter change or proposed ordinance be submitted to a vote of the qualified voters of the City for their approval or disapproval, and the petition complies with the requirements of this section, the Council shall have the ordinance requested by voter initiative submitted to a vote of the qualified voters of the City at the next regular election. The exact wording of the petition shall be placed on the ballots or voting machines when the initiative is submitted to the voters of the City. No Charter change or ordinance requested by voter initiative shall become effective following the receipt of such petition until and unless approved at a regular election by a majority of the qualified voters voting on the initiative. Any Charter change or ordinance disapproved by the voters shall have no force or effect.

(3) *Council enactment.* If the Council shall approve of the Charter change or ordinance provided for in the petition, the Council shall have the right by resolution to pass the ordinance proposed in the initiative petition and to proceed thereafter in the same manner as if the resolution had been initiated by such legislative body.

(4) *Petition requirements.* Each person signing a petition shall indicate thereon his or her name, residence address and ward, whether such person is in favor or against the proposed resolution or ordinance, and the date on which the petition was executed. Each person signing the petition may also print his or her name and address, but failing [failing] to print a name and/or address shall not disqualify a corresponding signature. No signature may be obtained more than one (1) year prior to the date the petition is filed with the Clerk. A petition may consist of several pages, but each page shall contain the complete text and exact wording of the resolution or ordinance petitioned upon. There shall be at the bottom of each page of signatures filed with a petition an affidavit of the person procuring the signatures on such page that to the person's best knowledge and belief every signature on it is genuine and bona fide and that the signers are qualified voters of the City. Upon receiving the petition, the Clerk is directed to verify that it has been signed by the required number of qualified voters and complies with the provisions of this section. The Clerk shall consider the petition as of no effect if it is signed by fewer than twenty percent (20%) of the qualified voters of the City. A minor variation in the signature of a petitioner between his or her signature on a petition and that on the City voter registration records shall not serve to invalidate his or her signature. The invalidation of one signature on a petition shall not serve to invalidate any others. (Res. No. 2003-04, 3-25-03.)

Section C2-10(C). Procedure for Council-Directed Referendum.

By passage of a resolution approved by a minimum of two-thirds (2/3) of the Council members, the Council may direct that a referendum be submitted to a vote of the qualified voters

of the City on the question(s) set forth in such resolution at the next regular election or, in the Council's discretion, at a special election occurring before the next regular election. The Council may not direct that a referendum be submitted on questions concerning the Code. Any resolution containing a Council-directed referendum shall be passed by the Council at least one hundred and twenty (120) calendar days prior to the election date the referendum is to be submitted to a vote of the qualified voters of the City. The resolution shall specify whether the referendum shall be advisory or binding in nature, and shall specify the exact wording of the referendum to be submitted to the qualified voters of the City. If the Council specifies the referendum as advisory, the results of such referendum shall be advisory only, and shall not be binding upon the Council. If the Council specifies the referendum as binding, the results of such referendum shall be binding upon the Council. The exact wording of such referendum contained in the resolution shall be placed on the ballots or voting machines when the referendum is submitted to the qualified voters of the City. The provisions of this section shall not apply to any ordinance or part thereof passed under the authority of § C3-2A of this Charter levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance or any part thereof levying special assessment charges under the provisions of this Charter. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them. (Res. No. 2003-05, 3-25-03.)

Section C2-10(D). Procedure for Recall Referendum.

(1) *Request for a recall referendum.* A qualified voter of the City may request a recall referendum, by presenting to the Mayor and Council, at a regular meeting of the Council, a petition requesting the removal of the Mayor or a member of Council from the office which he or she holds, and containing the favorable signatures of at least forty percent (40%) of the qualified voters of the City, in the case of a petition regarding the removal of the Mayor from office; or the favorable signature of at least forty percent (40%) of the qualified voters of the ward of the City of such Council member, in the case of a petition regarding the removal of a member of Council from the office. The Council shall submit the petition to the Clerk of the City for verification of its compliance with this section. The clerk shall return said petition with its written findings regarding the petition's compliance to the Council within five (5) business days; and at the next regular meeting, if the petition complies with the requirements of this section, the Council shall by resolution schedule a special election to submit the recall referendum to a vote of the qualified voters of the City or the Ward, as the case may be, for their approval or disapproval. The special election shall be scheduled within forty-five (45) days from the date of the clerk's verification of the petition, except if the date of the Clerk's verification is within one hundred fifty (150) days of a regularly scheduled election, then it shall be submitted for a vote at such regular election. The question to appear on the ballot shall include the name of the Mayor or member of the Council, as the case may be, the office which he or she holds, and shall request a "Yes" or a "No" vote as to his/her removal from that office. No petition for recall referendum shall become effective following the receipt of such petition until and unless approved by a majority of the qualified voters voting on the recall referendum. Any recall referendum disapproved by the voters shall have no force and effect. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

(2) *Petition requirements.* The petition shall contain the name of only one (1) official, either the Mayor or a member of Council and the office which he or she holds. Each person signing a petition shall indicate thereon his or her name, residence address, and ward, and whether such person is in favor or against removing such official from that office. Each person signing the petition may also print his or her name and address, but failing to print a name and/or address shall not disqualify a corresponding signature. No signature may be obtained more than one (1) year prior to the date of the petition is presented to the Mayor and Council. A petition may consist of several pages, but each page shall contain the complete text and exact wording of the resolution petitioned upon. There shall be at the bottom of each page of signatures filed with a petition an affidavit of the person procuring the signatures on such page that to the person's best knowledge and belief every signature on it is genuine and bona fide and that the signers are qualified voters of the City. Upon receiving the petition, the Clerk is directed to verify that it has been signed by the required number of qualified voters, and complies with the provisions of the section. The Clerk shall consider the petition as of no effect if it is signed by fewer than forty percent (40%) of the qualified voters of the City, in the case of a petition regarding the removal of the Mayor from office, or by at least forty percent (40%) of the qualified voters of the ward of the City of such councilman, in the case of a petition regarding the removal of member of Council from office. A minor variation in the signature of a petitioner between his or her signature on a petition and that on the City voter registration records shall not serve to invalidate his or her signature. The invalidation of one signature on [the] petition shall not serve to invalidate any others. (Res. No. 2003-06, 3-25-03.)

Section C2-11. Filing of ordinances. (See note (1))

Ordinances shall be permanently filed by the Clerk and shall be kept available for public inspection during normal business hours at the City Office.

ARTICLE III

Powers and Duties of Council

Section C3-1. Powers generally. (See note (1))

The Council shall have the power to pass all such ordinances, resolutions and laws not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the city; for the protection and preservation of the city's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the city and visitors thereto and sojourners therein.

Section C3-2. Specific powers enumerated. (See note (1))

A. The Council shall have, in addition to the powers set out in the preceding section, the power to pass ordinances, not contrary to the laws and Constitution of the State of Maryland for the following specific purposes:

(1) *Amusements.* To provide, in the interest of the public welfare, for licensing, regulating or restraining theatrical or other public amusements.

(2) *Appropriations.* To appropriate municipal moneys for any purpose within the powers of the Council.

(3) *Billboards.* To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards, within the city and the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole or other place within the city.

(4) *Bonds.* To issue bonds under such terms, conditions and restrictions as deemed necessary; to limit to any amount the assets of the city pledged for said bonds; and to pledge the full faith and credit of the city for said bonds.

(5) *Code enforcement.* To appoint a Code Enforcement Officer, who shall enforce within the municipal limits of the city the various city, county and state codes, including but not limited to the Health, Building, Housing, Electrical, Plumbing and Fire Codes, subject to any restrictions of the laws of the State of Maryland and Prince George's County; and to enforce the licensing provisions of the city, county and state within the municipal limits of the city.

(6) *Codification of general and permanent ordinances.* To provide for the codification of all ordinances which have been or may hereafter be passed.

(7) *Community services.* To provide, maintain and operate community and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of the inhabitants of the city.

(8) *Cooperative activities.* To make agreements with other municipalities, counties, districts, bureaus, commissions and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(9) *Curfew.* To prohibit the youth of the city from being in the streets, lanes, alleys or public places at unreasonable hours of the night.

(10) *Dangerous improvements.* To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditional that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(11) *Departments, etc.* To create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter, and to assign additional functions or duties to offices, departments or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

(12) *Disorderly houses, etc.* To suppress bawdy houses, disorderly houses and houses of ill fame.

(13) *Dogs.* To regulate the keeping of dogs in the city and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of the same, and to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

(14) *Emergency medical services.* To contribute funds for the maintenance and operation of programs providing volunteer emergency medical services to the inhabitants of the city.

(15) *Explosives, etc.* To regulate or prevent the storage of gunpowder, oil or any other explosive or combustible matter, and to regulate or prevent the use of firearms, fireworks, bonfires, explosives or any other similar things which may endanger persons or property.

(16) *Filth.* To compel the occupant of any premises, building or outhouse situated in the city, when the same has become filthy or unwholesome, to abate or cleanse the condition and, after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(17) *Finances and taxation.* To levy, assess and collect ad valorem property taxes, to expend municipal funds for any public purpose; and to have general management and control of the finances of the city.

(18) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a Fire Department, to contribute funds to volunteer fire companies serving the city, to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards and to forbid and prohibit the use of fire-hazardous [fire-hazardous] buildings and structures permanently or until the conditions of city fire hazard regulations are met, and to take all measures necessary to control and prevent fires in the city.

(19) *Franchises.* To regulate franchises, including but not limited to utility and quasi-utilities companies, as permitted by federal law and the laws of Prince George's County and the State of Maryland.

(20) *Gambling.* To restrain and prohibit gambling, betting, wagering and other games of chance.

(21) *Garbage.* To prevent the deposit of any unwholesome substance, either on private or public property, and to compel its removal to designated points, and to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points or to require the occupants of the premises to place them conveniently for removal.

(22) *Grants-in-aid.* To accept gifts and grants of federal or of state funds from the federal or state governments or any agency thereof and to expend the same for any lawful public purpose agreeably to the conditions which the gifts or grants were made.

(23) *Hawkers, etc.* To license, tax, regulate, suppress and prohibit vendors, hawkers and itinerant dealers, peddlers, pawnbrokers and all persons selling any articles on the streets of the city and to revoke such licenses.

(24) *Jail.* To establish and regulate a station house or lockup for the temporary confinement of violators of the laws and ordinances of the city.

(25) *Licensing and regulation of business, etc [etc.], fees for licenses and permits.* Subject to any restrictions imposed by the public general laws of the state, to license and regulate all persons beginning or conducting transient or permanent business in the city for the sale of any goods, wares, merchandise or services; to license and regulate any business, occupation, trade, calling or place of amusement or business; and to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(26) *Liens.* To provide that any valid charges, taxes or assessments made against any real property within the city shall be liens upon such property, to be collected as municipal taxes are collected.

(27) *Livestock, etc.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals and to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

(28) *Markets.* To obtain, by lease or by rent, own, construct, purchase, operate and maintain public markets within the city.

(29) *Minor privileges in use of public ways, etc.* To regulate or prevent the use of public ways, sidewalks and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements and display of goods, wares and merchandise.

(30) *Noise.* To regulate or prohibit loud or unreasonable noises, including the ringing of bells, crying of goods or sounding of whistles and horns.

(31) *Parking facilities.* To license and regulate and to establish, obtain, by purchase, by lease or by rent, own, construct, operate and maintain parking lots and other facilities for off-street parking.

(32) *Parking meters.* To install parking meters on the streets and public places of the city in such places as they shall, by ordinance, determine and, by ordinance, to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street, road or highway maintained by the appropriate division of the State of Maryland shall first be approved by said division.

(33) *Parks and recreation.* To establish and maintain public parks, gardens, playgrounds and other recreational facilities and programs to promote the health, welfare and enjoyment of the inhabitants of the city.

(34) *Police powers.* To establish, operate and maintain a police force, which shall protect the inhabitants of the city and provide for said inhabitants [inhabitants'] welfare and safety. All city policemen shall have the powers and authority given other police officers as defined in the Annotated Code of Maryland.

(35) *Property.* To acquire, by conveyance, purchase or gift, real or leaseable property for any public purposes, to erect buildings and structures thereon for the benefit of the city and its inhabitants, to convey any real or leasehold property when no longer needed for the public use after having given at least twenty (20) days' public notice of the proposed conveyance, and to control, protect and maintain public buildings, grounds and property of the city.

(36) *Sidewalks.* To regulate the use of sidewalks and all structures in, under or above the same, to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions, and to prescribe hours for cleaning sidewalks.

(37) *Sweepings, etc [etc.], deposited on public way, etc.* To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids or other unwholesome materials into any public way or onto any public or private property in the city.

(38) *Taxicabs.* To license, tax and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen and all other persons pursuing like occupations.

(39) *Vehicles.* To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(40) *Voting machines.* To purchase, lease, borrow, install and maintain voting machines for use in city elections.

(41) *Zoning.* To exercise the powers as to zoning conferred upon municipal corporations by the Prince George's County Code and the Annotated Code of Maryland, subject, however, to the limitations and provisions of said Codes.

B. *Enumeration not exclusive.* The enumeration of powers in this section is not to be construed as limiting the powers of the city to the several subjects mentioned. (Res. No. 2003-21, 3-25-03.)

Section C3-3. Exercise of powers.

For the purpose of carrying out the powers granted in this Article or elsewhere in this Charter, the Council may pass all necessary ordinances. All the powers of the city shall be exercised in the manner prescribed by this Charter or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section C3-4. Violations and penalties. (Amended 11-5-79 by HR No. 9-79.)

A. Unless otherwise provided, all violations of ordinances shall be punishable as misdemeanors, and the Council shall have the power to affix penalties therefor, provided that no such penalty shall exceed that allowed by Section 3 of Article 23A of the Annotated Code of Maryland, as amended.

B. The Council may also provide that violations of any ordinance shall be a municipal infraction, unless the violation is declared to be a felony or a misdemeanor by law or ordinance. A municipal infraction shall be a civil offense.

ARTICLE IV

Registration, Nominations and Elections

Section C4-1. Qualifications of voters. (Amended 2-24-71; 5-1-72.)

Every person who is [a] citizen of the United States, is at least eighteen (18) years of age, resides in the State of Maryland, resides within the corporate limits of the city and is registered in accordance with the provisions of this Charter shall be a qualified voter of the city. Every qualified voter of the city shall be entitled to vote at any or all city elections.

Section C4-2. Board of Supervisors of Elections. (See note (1))

There shall be a Board of Supervisors of Elections consisting of five (5) members, who shall be appointed by the Mayor with the approval of the Council. Three (3) of the members shall be appointed and approved on or before the second Monday in January of 2011 and thereafter in every second odd-numbered year. Two members shall be appointed and approved on or before the second Monday in January of 2013 and thereafter in every second odd-numbered year. Upon the effective date of this charter provision, the current three members of the Board shall retain their membership on the Board and the Mayor with the approval of the Council may appoint an additional two members, one member whose term of office shall be until January of 2011, and the other member whose term of office shall be until January 2013. The terms of members of the Board of Supervisors of Elections shall begin on the second Monday in January in the year in which they are appointed and shall run for four (4) years. Members of the Board of Supervisors of Elections shall be qualified voters of the city and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one (1) of its members as Chairman. Vacancies on the Board shall be filled by the Mayor with the approval of the Council

for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council. (Res. No. 2009-01, 3-31-09.)

Section C4-3. Removal of members.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Council if he so requests within ten (10) days after receiving the written copy of the charges against him.

Section C4-4. Powers and duties.

The Board of Supervisors of Elections shall be in charge of the conduct of all city elections. The Board may appoint election clerks or other employees to assist it in any of its duties. (Res. No. 1-89, 3-21-89.)

Section C4-5. Notice of elections. (See note (1))

The Board of Supervisors of Elections shall give notice of every election by publishing notice thereof twice in a newspaper of general circulation in the city. (Res. No. 1-89, 3-21-89.)

Section C4-6. Registration.

A. In accordance with the State Universal Registration Act, as contained in Article 33, Section 3-2 of the Annotated Code of Maryland, as amended, any person residing in the city who is registered with the Board of Supervisors of Elections of Prince George's County shall be deemed to be registered to vote in city elections.

B. The Board of Supervisors of Elections shall not maintain any list of voters, and shall restrict its activities with respect to the registration of voters to the circulation of applications for registration with the Board of Supervisors of Elections of Prince George's County, and otherwise cooperating with the County Board. (Res. No. 1-89, 3-21-89.)

Section C4-7. Appeals. (See note (1))

If any person shall feel aggrieved by any action of the Board of Supervisors of Elections, such person may appeal to the Council by giving notice to the Clerk, in writing, within fifteen (15) days of the action taken by the Board of Supervisors of Elections. (Res. No. 1-89, 3-21-89.)

Section C4-8. Candidates for office; procedure; ballots. (See note (1))

A. *Filing of applications.* Any qualified person may become a candidate for the office of Councilman for the ward in which he resides by filing an application with the Board of Supervisors of Elections on or before 5:00 p.m. on the last Friday in March of each election year

for which a vacancy in such ward shall occur. Any qualified person may become a candidate for the office of Mayor by similarly filing an application if a Mayor is to be elected that year. The application shall be on a form prescribed and made available by the Board of Supervisors of Elections. No fee shall be charged any person for filing an application.

B. *Public notice.* Notice of the availability of applications and the time and place for their filing shall be given twice in a newspaper of general circulation in the city once a week during the two weeks preceding the filing deadline provided herein. The Board of Supervisors of Elections shall certify to the Mayor and City Council the name of each person filing an application of candidacy and the respective office for which that person has filed an application at the first regular meeting of the Council following the last Friday in March of each election year. If for any reason there is no candidate for a particular office, the City Council shall make nominations for that office at this meeting.

C. *Names on ballots.* No candidate's name shall be printed upon official ballots of election in the City of Hyattsville other than the names of the persons contained in the certificate mentioned in the preceding subsection, except the names of persons nominated by the City Council subsequent to the meeting of the City Council as provided in such subsection. Official ballots shall follow the general form prescribed by the election laws of the State of Maryland. (Res. No. 2-89, 3-21-89.)

Section C4-9. Conduct of elections. (See note (1))

(A) Beginning in 2011 for regular city elections, election day shall be the first Tuesday in May of each year an election for Mayor and/or Council regularly occurs. For any special election the City Council shall set an appropriate day as the election day. In addition the City Council shall have the authority to authorize opening the polls to qualified voters on a specific day or days close to, but in advance of, election day (advance voting day).

(B) It shall be the duty of the Board of Supervisors of Elections to provide for each referendum and election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate who has filed an application or been nominated by the City Council for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Elections shall keep the polls open at a minimum from 9:00 a.m. to 8:00 p.m. on Election Day or for longer hours if the Council requires it and shall make reasonable accommodation for opening and closing the polls on any advance voting day. The Board of Supervisors of Elections shall make reasonable accommodation for all qualified voters covered by the Americans with Disability [Disabilities] Act. (Res. No. 2-89, 3-21-89; Res. No. 2007-03, 4-11-07; Res. No. 2009-01, 03-31-09.)

Section C4-10. Referendum elections. (See note (1))

All referendum elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular city elections.

Section C4-11. Vote count. (See note (1))

Within forty-eight (48) hours after the closing of the polls, the Board of Supervisors of Elections shall determine the votes cast for each candidate or question and shall certify the results of the election to the Clerk of the city, who shall record the results in the minutes of the Council. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The candidate for Councilman with the highest number of votes in each ward shall be declared elected as Councilman for that ward.

Section C4-12. Preservation of ballots. (See note (1))

All ballots used in any city election shall be preserved for at least six (6) months from the date of election by the Board of Supervisors of Elections.

Section C4-13. Equal privileges for women.

Women shall have equal privileges with men in registering, voting and holding city offices. Whenever the masculine gender has been used as to any registering, voting or holding city office, it shall be construed to include the feminine gender.

Section C4-14. Regulation and control by Council.

The Council shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, nomination and city elections and for the prevention of fraud in connection therewith and for a recount of ballots in case of doubt or fraud.

Section C4-15. Violation of election laws; penalty. (See note (1))

Any officer or employee of the city who is convicted of violating any law of the city, Prince George's County or the State of Maryland pertaining to elections, and such violation having occurred in the course of a municipal election in the City of Hyattsville, shall immediately, upon conviction, cease to hold such office or employment.

Section C4-16. Division of City; ward descriptions.

The City shall be divided into five (5) wards as described immediately below. Unless otherwise provided, reference to any street or alley as a boundary herein shall mean the center line of the street or alley.

Ward 1. Ward number one shall include all that area of the City south and east of a line drawn as follows: beginning at intersection of the northwest branch of the Anacostia River and Thirty-Eighth Avenue and running north on Thirty-Eighth Avenue to Hamilton Street; then east on Hamilton Street to its intersection with Fortieth Place, and south on Fortieth Place to Emerson Street; then east on Emerson Street to Forty-First Place; then south on Forty-First Place to Alley

5 (beside 4100 Emerson Street); then northeast and then north along this same alley until it intersects Farragut Street then east on Farragut Street to Forty–Second Avenue; north on Forty–Second Avenue until Jefferson Street; east on Jefferson Street to Forty–Third Avenue; then north on Forty–Third Avenue until Longfellow Street; west on Longfellow [Longfellow] Street until Forty–Second Avenue; north on Forty–Second Avenue just north of the intersection of Forty–Second Avenue and Oliver Street; then west along the northern boundary of 4112 and 4116 Oliver Street to the eastern property line of 4106 Oliver Street; then north along the eastern boundary of 4106 Oliver Street into Dietz Park to the southern lot line of 6129 Forty–First Avenue and then west along this southern lot line of 6129 Forty–First Avenue to Forty–First Avenue; then north on Forty–First Avenue until 6201 Forty–First Avenue; and then east along the south boundary of 6201 Forty–First Avenue; then north along the east boundary of 6201 Forty–First Avenue to Alley 15; then east along Alley 15 to the west boundary of 6204 Forty–Second Avenue; then North along the rear lot lines of the residences between Forty–First Place and Forty–Second Avenue to East West Highway (the boundary of the City); then east, south and west along the boundary of the City to Thirty–Eighth Avenue.

Ward 2. Ward number two shall embrace all that part of the city bounded by a line as follows: beginning at the intersection of Hamilton Street and Thirty–Eighth Avenue; then west on Hamilton Street to Thirty–Seventh Avenue, then north on Thirty–Seventh Avenue to Jefferson Street, then west on Jefferson Street to Thirty–Sixth Place and then north along Thirty–Sixth Place to its intersection with Longfellow Street; then west along Longfellow Street to Queen’s Chapel Road; then north along Queen’s Chapel Road to Manorwood Drive; then northwest on Manorwood Drive to Jamestown Road; then northerly along Jamestown Road to Oliver Street; then east on Oliver Street to Queen’s Chapel Road; then southwest on Queen’s Chapel Road to Oliver Street; then east on Oliver Street to Thirty–Ninth Place; then south on Thirty–Ninth Place to Oglethorpe Street; then East on Oglethorpe Street to Fortieth Avenue; then south on Fortieth Avenue to Nicholson Street; then east on Nicholson Street to Forty–First Avenue; then north on Forty–First Avenue to Oglethorpe Street; then east on Oglethorpe Street to Forty–Second Avenue; then south on Forty–Second Avenue to Longfellow Street; then east on Longfellow Street to Forty–Third Avenue; then south on Forty–Third Avenue to Jefferson Street; then west along Jefferson Street to Forty–Second Avenue; then south along Forty–Second Avenue to Farragut Street; then west on Farragut Street to Alley 5 (beside 4115 Farragut Street); then south along Alley 5 to Forty–First Place; then northwest on Forty–First Place to Emerson Street; then west on Emerson Street to Fortieth Place; then north on Fortieth Place until it merges with Hamilton Street and west on Hamilton Street to the point of origin at Thirty–Eighth Avenue.

Ward 3. Ward number three shall include all that area north and west of a line beginning at the northwest boundary of the city and the north boundary of Madison Park Apartments and then east along the southern boundary of 3110 Oliver Place (WMATA Property) and then north and east along the boundary of 3110 Oliver Place (WMATA Property) to the southern boundary of 3401 East West Highway; then east along the northern boundary of Nicholas Orem Elementary School (6100 Editor’s Park Drive) and then along the southern boundary of Prince George’s Plaza Metro Station (3575 Belcrest Center Drive), then east along the southern boundary of Mosaic at Metro Apartments (6206 Belcrest Road); then north and east along the

east boundary of 6206 Belcrest Road to Belcrest Road; then east on Belcrest Road to Queen's Chapel Road; then south and west along Queen's Chapel Road to its intersection with Oliver Street on the east side of Queen's Chapel Road; then east on Oliver Street to Thirty-Ninth Place; then south on Thirty-Ninth Place to Oglethorpe Street; then east on Oglethorpe Street to Fortieth Avenue, then south on Fortieth Avenue to Nicholson Street; then east on Nicholson Street to Forty-First Avenue; then north on Forty-First Avenue to Oglethorpe Street; then east on Oglethorpe Street to Forty-Second Avenue; then north on Forty-Second Avenue to the northeast corner of 4112 and 4116 Oliver Street then along the northern property line of 4116 Oliver Street to the eastern property line of 4106 Oliver Street and north along the east boundary of 4106 Oliver Street into Dietz Park and to the southern lot line of 6129 Forty-First Avenue and then west along this southern boundary to Forty-First Avenue; then north on Forty-First Avenue until 6201 Forty-First Avenue; and then east along the south boundary of 6201 Forty-First Avenue; then north along the east boundary of 6201 Forty-First Avenue to Alley 15; then east along Alley 15 to the west boundary of 6204 Forty-Second Avenue; then north along the rear lot lines of the residences between Forty-First Place and Forty-Second Avenue to East West Highway (the boundary of the City).

Ward 4. Ward Four shall include all that area contained in a line beginning at the northwest boundary of the City and the north boundary of Madison Park Apartments and then east along the southern boundary of 3100 Oliver Place (WMATA Property) and then north and east along the boundary of 3100 Oliver Place (WMATA Property) to the southern boundary of 3401 East West Highway; then east along the northern boundary of Nicholas Orem Elementary School (6100 Editor's Park Drive) and then along the southern boundary of Prince George's Plaza Metro Station (3575 Belcrest Center Drive), then east along the southern boundary of Mosaic at Metro Apartments (6206 Belcrest Road); then north and east along the east boundary of 6206 Belcrest Road to Belcrest Road; then east on Belcrest Road to Queen's Chapel Road; then south and west along Queen's Chapel Road to its intersection with Oliver Street on the west side of Queen's Chapel Road and then west on Oliver Street to Jamestown Road; then south along Jamestown Road to Manorwood Drive; east on Manorwood Drive to Queen's Chapel Road; then south on Queen's Chapel Road to Lancer Drive; north and west on Lancer Drive to Jamestown Road; south and west along Jamestown Road to Thirtieth Avenue; then north on Thirtieth Avenue to Lancer Drive; then west on Lancer Drive to Twenty-Ninth Avenue; then north and west on Twenty-Ninth Avenue to Ager Road; then north on Ager Road to the City boundary.

Ward 5. Ward Five shall include all that area south and west of a line beginning at the intersection of the northwest branch of the Anacostia River and Thirty-Eighth Avenue and running north on Thirty-Eighth Avenue to Hamilton Street; then west on Hamilton Street to Thirty-Seventh Avenue, then north on Thirty-Seventh Avenue to Jefferson Street, then west on Jefferson Street to Thirty-Sixty [Thirty-Sixth] Place and then north along Thirty-Sixth Place to its intersection with Longfellow Street; then west along Longfellow Street to Queen's Chapel Road; then south on Queen's Chapel Road to Lancer Drive; north and west on Lancer Drive to Jamestown Road; south and west along Jamestown Road to Thirtieth Avenue; then north on Thirtieth Avenue to Lancer Drive; then west on Lancer Drive to Twenty-Ninth Avenue; then north and west on Twenty-Ninth Avenue to Ager Road; then north on Ager Road to the City

boundary. (Res. No. 6-92, 12-8-92; Res. No. 2003-08, 3-25-03; Res. No. 2003-10, 4-22-03; Res. No. 2005-02, 3-29-05; Res. No. 2006-14, 11-29-06; Res. No. 2012-03, 7-24-12.)

Section C4-17. Power of Council to modify ward boundaries.

The City Council shall have the power, by ordinance, to establish, change or relocate the boundaries of existing wards and to establish, change and relocate boundaries for new or additional wards created either by the annexation of territory to the city or by the divisions of a ward or wards.

Section C4-18. Division of wards into voting precincts.

The City Council shall have the power, after notice thereof and opportunity for public hearings as the City Council shall provide and direct, to divide any and all of the wards of the city into two (2) or more voting precincts as public convenience or public welfare, in their discretion, may require or direct.

ARTICLE V

Finance

Section C5-1. Appointment of Treasurer; compensation. (Amended 5-5-80 by HR No. 2-80.)

There shall be a Treasurer appointed by the City Council who shall serve at the pleasure of the City Council, unless other written terms are agreed to by the city. The Treasurer shall ordinarily report to the City Administrator. His/her compensation shall be determined by the Council. The Treasurer shall be the chief financial officer of the city. The financial powers of the city, except as otherwise provided by this Charter, shall be exercised by the Treasurer under the direction of the Mayor, Council and City Administrator. (Res. No. 2006-04, 6-27-06.)

Section C5-2. Powers and duties. (Amended 5-5-80 by HR No. 2-80.)

Under the supervision of the Mayor, the Treasurer shall have authority and shall be required to:

A. Prepare, at the request of the Mayor, an annual budget, to be submitted by the Mayor to the Council.

B. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

C. Maintain a general accounting system for the city in such form as the Council may require, not contrary to state law.

D. Submit at the end of each fiscal year and at such other times as the Council may require a complete financial report to the Council through the Mayor.

E. Ascertain that all taxable property within the city is assessed for taxation.

F. Collect all taxes, special assessments, license fees, liens and all other revenues, including utility revenues, of the city and all other revenues for whose collection the city is responsible and receive any funds receivable by the city.

G. Have custody of all public moneys belonging to or under the control of the city, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the city.

H. Do such other things in relation to the fiscal or financial affairs of the city as the Mayor, the Council or the City Administrator may require or as may be required elsewhere in this Charter.

Section C5-3. Bond. (Amended 5-5-80 by HR No. 2-80.)

The Treasurer shall provide a bond with such corporate surety and in such amount as the Council, by ordinance, may require.

Section C5-4. Annual budget; fiscal year.

The city shall operate on an annual budget. The fiscal year of the city shall begin on the first day of July and shall end on the last day of June in each year. Such fiscal year shall constitute the tax year, the budget year and the accounting year.

Section C5-5. Submission of annual budget to Council; budget open to public inspection.

The Mayor at least thirty-two (32) days before the beginning of any fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues, together with surplus, shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Treasurer and open to public inspection by anyone during normal business hours. (Res. No. 2008-06, 4-22-08.)

Section C5-6. Adoption of budget. (See note (1))

Before adopting the budget, the Council shall hold a public hearing thereon after notice thereof has been published twice in a newspaper having general circulation within the city. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption.

Section C5-7. Appropriations.

No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein.

Section C5-8. Approval required for transfers between major appropriations.

Any transfer of funds between major appropriations for different purposes shall be approved by the Council before becoming effective.

Section C5-9. Expenditures restricted; exception.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed, in whole or in part, by the issuance of bonds nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made when such contract is permitted by law.

Section C5-10. Lapse of appropriations; disposition of unexpended funds.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year.

Section C5-11. Issuance of checks. (Amended 5-5-80 by HR No. 2-80.)

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Treasurer, except as otherwise provided.

Section C5-12. Assessment and taxation of property; exemptions. (Amended 3-25-86.)

All real property and all tangible personal property within the corporate limits of the city or personal property which may have a situs there by reason of the residence of the owner therein shall be subject to taxation for municipal purposes, unless exempt for a stated period of time and under specific conditions as part of an agreement, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

Section C5-13. Qualifications for deduction from property assessment. (Amended 2-5-68.)

Every person over the age of sixty-five (65) years who has been a bona fide resident of the City of Hyattsville and whose total gross income is within the prescribed limitation and who has legal title or beneficial title to real property located in the City of Hyattsville and who makes such real property his or her permanent home shall be entitled to a deduction from the assessed valuation of said property for the purpose of city real estate taxes levied against said property by the City of Hyattsville, provided that, if said taxable real estate is owned as tenants by entirety, only one (1) exemption shall be allowed, provided further that such exemption shall be allowed only if the combined gross income of said tenants by the entirety does not exceed the prescribed limitation of any one year, provided further that such exemption shall be allowed if either one (1) or both of said tenants are sixty-five (65) years of age or more or if either one (1) or both of said tenants have resided on such property for the prescribed period; and provided further, however, that only one (1) such exemption shall be allowed on any real estate taxable hereunder. The assessment deduction to be allowed, the prescribed income limitation and the prescribed period of residence shall be the same as those set forth by the Prince George's County government for the purpose of providing tax relief to persons sixty-five (65) years of age or older.

Section C5-14. Application for deduction from property assessment. (Amended 2-5-68 (See note (1)))

Every person seeking to have residential property taxed as provided in section C5-13 shall make application to the Treasurer of the City Council of Hyattsville, setting forth the applicant's name, age, place of residence, a description of the applicant's ownership or legal interest in the residential property sought to be taxed as herein provided and the total gross

income of all owners of the property from all sources for the immediate past calendar year. The application must be completed and submitted to the Treasurer of the City of Hyattsville not later than the last day of the month next preceding the beginning of the tax year for which said reduction of assessment on the residential real property is requested, and the application must be accompanied by an affidavit certifying to the truth of its contents. There must also be an attached copy of any certification issued for the ensuing year by the proper governmental department of Prince George's County notifying the applicant that his application for a corresponding credit on county taxes has been approved.

Section C5-15. Determination of tax levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year.

Section C5-16. Notice of tax levy; tax bills. (Amended 5-5-80 by HR No. 2-80.)

Immediately after the levy is made by the Council in each year, the Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the city. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his property, including interest, penalties or other costs.

Section C5-17. Due date for payment of taxes; overdue taxes. (Amended 8-1-72.)

The taxes provided for in section C5-15 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest and penalty while in arrears in such amounts as prescribed by City Council resolution or ordinance, not contrary to state law. All taxes not paid and in arrears shall be collected as provided in section C5-18 of this Charter. (See note (4))

Section C5-18. Sale of tax delinquent property. (Amended 5-5-80 by HR No. 2-80.)

A list of all property on which the city taxes have not been paid and which are in arrears as provided by section C-17 of this Charter shall be turned over by the Treasurer to the official of the county responsible for the sale of tax delinquent property as provided by state law. All property listed thereon shall, if necessary, be sold for taxes by this county official in the manner prescribed by state law.

Section C5-19. Disposition of fees collected.

All fees received by an officer or employee of the city government in his official capacity shall belong to the city government and be accounted for to the city.

Section C5-20. Annual audit. (See note (1))

The financial books and accounts of the city shall be audited annually as required by the laws of the State of Maryland. (See note (5))

Section C5-21. Bids and contracts. (Amended 11-6-78 by HR No. 13 (See note (1))

A. All purchases and contracts for the City of Hyattsville shall be made by the City Council in accordance with a procurement policy adopted by the Council. All expenditures for supplies, materials, equipment, construction of public improvements or contractual service involving more than ten thousand dollars (\$10,000) shall be made on written contract, and the City Council shall advertise for sealed bids for all such contracts by publishing notice thereof twice in a newspaper of general circulation in the city. Such written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion and responsibility of bidders being considered. All such written contracts shall be approved by the City Council before becoming effective. The City Council upon written justification, may reject all bids and readvertise. The City Council at any time, in its discretion, may employ its own forces for the construction or reconstruction of public improvements without advertising or readvertising for or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the City Council may require.

B. The City Council may enter into a contract for the procurement of supplies, materials, equipment, construction of public improvements or contractual [contractual] service involving more than ten thousand dollars (\$10,000) without utilizing the bid process set forth herein if it determines that the supplies, materials, equipment, construction of public improvements or contractual [contractual] service sought are only available from a single source and such procurement is in the best interest of the city. (Res. No. 2-91, 4-23-91; Res. No. HR 2002-01, 5-7-02.)

Section C5-22. Preparation of financial statement required prior to regular election; statement open to public inspection. (Amended 6-1-81 by Res. No. 4-81.)

It shall be the duty of the Treasurer, at least ten (10) days before each regular election, to have prepared a detailed statement of the financial condition of the city, including receipts and expenses of all kind whatsoever, for the preceding year. The statement shall be available for examination by the public at the city office during regular office hours until the day after such election.

Section C5-23. Tax anticipation borrowing.

The City of Hyattsville shall have the power to borrow in anticipation of the collection of the property taxes levied for any fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of tax anticipation indebtedness shall be a first lien upon the proceeds of such taxes and shall mature and be payable no later than eighteen (18) months from their respective dates of issue. No tax anticipation notes or other evidences of tax anticipation indebtedness shall be issued which will cause the total then-outstanding tax anticipation indebtedness of the City to exceed fifty percent (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of tax anticipation indebtedness shall be authorized by ordinance before being issued; any such ordinance may authorize specified details of such tax anticipation notes or other evidences of tax anticipation indebtedness to be determined or provided for by resolution. A resolution adopted pursuant to this Section C5-23 may be introduced and adopted at a single meeting of the Council, may not be petitioned to referendum and shall become effective immediately upon its adoption. Any tax anticipation notes or other evidences of tax anticipation indebtedness may be sold for a price at, above or below par value, for cash or other valuable consideration, and by private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale in the manner determined by the Council by ordinance or resolution (which need not be in the manner set forth in Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland, as replaced, supplemented or amended from time to time). (Res. No. 2005-07, 4-26-05.)

Section C5-23A. General obligation borrowing.

A. The City of Hyattsville shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness in accordance with Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland, as replaced, supplemented or amended from time to time, as supplemented by the provisions of this Section C5-23A. In the event of an inconsistency between the provisions of such Article 23A and this Section C5-23, the provisions of this Section C5-23 shall control.

B. Any general obligation bonds, notes or other evidences of indebtedness shall be authorized by an ordinance that shall contain:

(1) a statement of the maximum principal amount of such general obligation bonds, notes or other evidences of indebtedness to be issued;

(2) a statement of the purpose or purposes for which the proceeds of such general obligation bonds, notes or other evidences of indebtedness are to be expended;

(3) a pledge of the full faith and credit and unlimited taxing power of the City of Hyattsville to the payment of such general obligation bonds, notes or other evidences of

indebtedness and, if applicable, a statement of any other revenues that the City of Hyattsville intends to apply in the first instance to such payment; and

(4) a requirement that, prior to the issuance of any of the general obligation bonds, notes or other evidences of indebtedness authorized, the Council shall adopt a resolution in accordance with subsection C. of this Section.

C. Prior to issuing any obligation bonds, notes or other evidences of indebtedness of the City of Hyattsville, the Council shall adopt a resolution containing, determining or providing for the determination of:

(1) the designation, date of issue, denomination or denominations, form or forms and tenor of such bonds, notes or other evidences of indebtedness;

(2) the rate or rates of interest payable on such bonds, notes or other evidences of indebtedness or the method of determining the same;

(3) the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond, note or other evidence of indebtedness of any issue shall mature later than 30 years from the date of its issue;

(4) the manner of selling such bonds, notes or other evidences of indebtedness, which may be either at public or private sale, for such price or prices as may be determined to be in the best interest of the City of Hyattsville;

(5) the manner of executing and sealing such bonds, notes or other evidences of indebtedness;

(6) if the Council determines that an [any] of such bonds, notes or other evidences of indebtedness are to be made redeemable before maturity, the price or prices and terms and conditions of redemption[:]; and

(7) such other provisions regarding the terms, conditions, issuance, sale and delivery of such bonds, notes or other evidences of indebtedness as the Council may determine necessary or desirable.

A resolution adopted pursuant to this Section C5-23A may be introduced and adopted at a single session of the Council, may not be petitioned to referendum and shall become effective immediately upon its adoption.

D. As determined by or provided for in the authorizing resolution of the Council, the general obligation bonds, notes or other evidences of indebtedness of the City may be issued an [and] sold:

(1) by private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication of the notice of sale (which competitive binds [bids] may be delivered by electronic or facsimile means or by any other commercially reasonable manner provided for by the Council by resolution); any notice of sale may be published in summary form in a newspaper of general circulation in the City of Hyattsville and/or in a generally recognized financial journal such as *The Bond Buyer* or any notice of sale may be disseminated solely in electronic form and/or in any other commercially reasonable manner, as provided for by resolution;

(2) for a price or prices which may be at, above or below the par value of such bonds, notes or other evidences of indebtedness;

(3) at a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved or provided for by resolution; and

(4) for either cash or other valuable consideration.

E. The resolution that authorizes any general obligation bonds, notes or other evidences of indebtedness may provide for their redemption prior to maturity and for the manner of publishing or otherwise giving notice of such redemption.

F. The City may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for any general obligation bonds, notes or other evidences of indebtedness and for securing any tender option granted to holders thereof.

G. The official signatures and seals affixed to any general obligation bonds, [.] notes or other evidences of indebtedness may be imprinted in facsimile.

H. The power and obligation of the City of Hyattsville to borrow money by the issuance of its general obligation bonds, notes or any other evidences of indebtedness, whether issued pursuant to the authority of this Section C5-23A or other applicable law, shall be limited to a total amount of general obligation indebtedness outstanding at the time any such debt is incurred equal to an amount not in excess of Two percent (2%) of the assessable basis of property located in the City of Hyattsville (determined by applying such Two percent (2%) calculation to the assessable basis of each classification of property that is then taxable for municipal purposes by the City of Hyattsville at the time of such issuance and aggregating the results); provided that, (1) tax anticipation notes or other evidences of tax anticipation indebtedness issued in accordance with Charter Section C5-23, (2) bonds, notes or other evidences of indebtedness issued or guaranteed by the City of Hyattsville payable primarily or exclusively from taxes levied in or on, or other revenues of, special taxing districts or areas or tax increment development districts heretofore or hereafter established by law, (3) bonds, notes or other evidences of indebtedness issued for self-liquidating or other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services, and (4) revenue bonds, notes or other evidences of indebtedness not constituting general obligations of or a pledge of or involving the faith and credit of the City of Hyattsville, and not an

indebtedness of or a charge against the general credit or taxing powers of the City of Hyattsville shall not be deemed to be or be included as bonds, notes or other evidences of indebtedness for purposes of computing or applying the debt limitation set forth in this subsection H. In calculating the debt limitation set forth in this subsection H., the City of Hyattsville shall use the most recent assessable basis figures provided by the State Department of Assessments and Taxation or any department or agency that is subsequently charged with assessing property values for municipal corporations pursuant to Maryland law.

I. The power and obligation of the City of Hyattsville to pay any and all general obligation bonds, notes or other evidences of indebtedness issued by it under the authority of this Charter or other applicable law shall be unlimited except as hereinabove provided, and the City of Hyattsville shall levy ad valorem taxes upon all taxable property in the City of Hyattsville for the payment of such bonds, notes or other evidences of indebtedness and interest thereon without limitation of rate or amount. (Res. No. 2005-07, 4-26-05.)

Section C5-23B. Revenue bonds, notes or other evidences of indebtedness.

A. In addition to any other authority conferred by applicable law, the City of Hyattsville shall have the power to borrow money to finance or refinance undertakings for the accomplishment of any of the purposes, objects and powers of the City and, in connection therewith, to issue bonds, notes or other evidences of indebtedness (including refunding bonds, notes or other evidences of indebtedness), all of which shall be fully negotiable and payable as to both principal and interest solely from, and secured solely by, a pledge of: (1) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing or refinancing is undertaken by issuance of said bonds, notes or other evidences of indebtedness, (2) the revenues from or arising in connection with any contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with the proceeds of such revenue bonds, notes or other evidences of indebtedness, (3) the contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with such revenue bonds, notes or other evidences of indebtedness, (4) any other security approved by the Council, or (5) any combination of (1), (2), (3) or (4). Any and all of such revenue bonds, notes or other evidences of indebtedness shall not be general obligations of the City of Hyattsville and shall never constitute an indebtedness or a charge against the general credit or taxing powers of the City of Hyattsville within the meaning of any constitutional, statutory or charter provision limiting or restricting the issuance or sale of bonds, notes or other evidences of indebtedness of the City of Hyattsville, and shall never constitute or give rise to any pecuniary liability of the City of Hyattsville.

B. Any and all revenue bonds, notes or other evidences of indebtedness authorized to be issued under the provisions of this Section C5-23B shall be authorized by ordinance. Any such ordinance may prescribe, among other things, certain matters pertaining to such revenue bonds, notes or other evidences of indebtedness including, without limitation, the form and tenor thereof; the terms, provisions and conditions thereof; the manner or method of issuance and sale thereof (which may be at public sale following the solicitation of competitive bids, or by private negotiated sale without advertisement or publication of the notice of sale or solicitation of competitive bids, as the council may deem appropriate and which need not be in the manner set

forth in Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland, as replaced, supplemented or amended from time to time); the time or times of issuance thereof; and any and all other details incident to any such revenue bonds, notes or other evidences of indebtedness and the issuance, sale and delivery thereof and of any and all transactions relating thereto; and any such ordinance may authorize and empower the Council by resolution to determine, set forth or provide for any and all of the foregoing matters and to do any and all things necessary, proper, desirable or expedient in connection with the issuance, sale and delivery of any such revenue bonds, notes or other evidences of indebtedness and any and all transactions relating thereto, provided that such ordinance sets forth a maximum principal amount of revenue bonds, notes or other evidences of indebtedness to be issued for such undertaking and generally describes the project or projects to be accomplished. A resolution adopted pursuant to this Section C5-23B may be introduced and adopted at a single session of the Council, may not be petitioned to referendum and shall become effective immediately upon its adoption.

C. Any revenue bonds, notes or other evidences of indebtedness authorized to be issued under the provisions of this Section C5-23B may be secured by a trust agreement, indenture or similar instrument between the City of Hyattsville and a corporate trustee, which may be any entity with trust powers within or without the State of Maryland. The authorizing ordinance or resolution (if any) may, among other matters, approve or provide for the approval of the form of trust agreement, indenture or similar instrument. The authorizing ordinance, the resolution (if any) or the trust agreement, indenture or similar instrument may pledge or assign all or any part of: (1) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing or refinancing is undertaken by issuance of said revenue bonds, notes or other evidences of indebtedness, (2) the revenues from or arising in connection with any contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with the proceeds of such revenue bonds, notes or other evidences of indebtedness, (3) the contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with such revenue bonds, notes or other evidences of indebtedness, (4) any other security approved by the Council, or (5) any combination of (1), (2), (3) or (4). Any such ordinance, resolution, trust agreement, indenture or similar instrument may set forth the rights and remedies of the holders of the revenue bonds, notes or other evidences of indebtedness; may restrict the individual right of action by the holders of such revenue bonds, notes or other evidences of indebtedness; may contain whatever provisions for the protection and enforcement of the rights and remedies of the holders of any such revenue bonds, notes or other evidences of indebtedness as the Council may deem reasonable and proper; and, in addition to the foregoing, may contain whatever other provisions the Council may deem reasonable, desirable or proper for the security of the holders of any such revenue bonds, notes or other evidences of indebtedness.

Section C5-23C. Previous issues.

All bonds, notes or other evidences of indebtedness validly issued by the City of Hyattsville pursuant to Charter Section C5-23 or other applicable law previous to the effective date of this Charter, as amended, and all ordinances and resolutions passed concerning them, are

hereby declared to be valid, legal and binding and of full force and effect as if herein fully set forth. (Res. No. 2005-07, 4-26-05.)

ARTICLE VI Personnel

Section C6-1. Administration.

The City Council may appoint a City Administrator who shall report directly to the Mayor and to the City Council. In addition to the City Administrator, the City Council may appoint Department Heads and Officials, including a Chief of Police, Director of Public Works, Director of Recreation and the Arts, Director of Code Enforcement, a Director of Human Resources, treasurer and a City Clerk, who shall all serve at the pleasure of the City Council, unless other written terms are agreed to by the City Council. Ordinarily all such department heads and Officials shall report to the City Administrator who shall be their immediate supervisor. However, one (1) individual may also serve as head of more than one (1) department if the City Administrator shall so organize and direct. Only the City Administrator, the Mayor and the appointed Department Heads and those officials or designees or employees in the chain of command may give direct orders to city employees. The city shall have the power to employ such officers and employees, or to enter into contracts for services with independent contractors or employees, as the city deems necessary, to execute the powers and duties provided by this Charter or other State law and to operate the city government. (Res. No. 2006-05, 5-8-06; Res. No. 2012-01, 4-24-12.)

Section C6-2. City Administrator. (Added 8-6-79 by HR No. 7-79.)

A. *General powers.* The City Council shall appoint a City Administrator, who shall serve at the pleasure of the City Council, unless other written terms are agreed to by the city, and who shall be responsible for the proper administration of all day-to-day affairs of the city. He/she shall be vested with the powers and authority necessary to perform such duties, except where they may be inconsistent with other provisions of this Charter. The City Administrator shall have general administrative supervision of the several departments of the city and the authority, through the department heads to direct the proper execution of this Charter, the City Code and such resolutions, regulations and policies as the Council shall adopt. In addition, he/she shall perform such other duties as the Council may lawfully require.

B. (See note (1)) *Specific duties and responsibilities.* The duties and responsibilities of the City Administrator include the following under the supervision of the Mayor and City Council. He/she, unless otherwise directed, shall:

(1) Organize, direct and supervise the administration of all departments, offices and agencies of the city, including the Police Department, the Department of Public Works, the Treasurer, the Recreation and the Arts Department, the Code Enforcement Department, the Department of Human Resources and the City Clerk, and such departments and agencies which the City Council, from time to time, shall place under his/her supervision.

(revised 11/12)

(2) Appoint and, when he/she deems it necessary and in the best interest of the city, discipline, demote, dismiss, suspend or remove any city employee pursuant to this Charter, the Code and/or the personnel regulations of the city. The City Administrator may authorize any department head to exercise these powers with respect to subordinates in his/her department as provided for in the personnel rules of the city. The City Administrator may not demote or dismiss any city department head or official appointed by the Mayor and/or the City Council without the authorization of the City Council. (Amended 12-19-83 by HR No. 31-83.)

(3) See that all laws, provisions of the City Charter and acts of the City Council are faithfully executed.

(4) Prepare and submit to the Mayor by May of each year a proposed budget for the city, the same to include both revenue and expenditure estimates for the coming fiscal year.

(5) Attend all public meetings of the City Council and shall have the right to participate in discussion at such meetings.

(6) Arrange for the taking of minutes of all City Council meetings and keep a full and accurate account of the proceedings of the City Council.

(7) Undertake such research and make reports and recommendations as the City Council may direct or which he/she may deem desirable and in the best interests of the City of Hyattsville.

(8) Keep the City Council fully informed as to the financial condition and future needs of the city. He/she shall submit to the City Council an annual report on the finances and administrative activities of the city at the end of each fiscal year.

(9) Purchase materials, equipment, supplies and services when not in excess of the dollar amount prescribed by the City Council.

(10) Ascertain that all taxable property within the city is assessed for taxation.

(11) Collect all taxes, special assessments, license fees, liens and all other revenues, including utility revenues, of the city and all other revenues for whose collection the city is responsible and receive any funds receivable by the city.

(12) Have custody of all public moneys belonging to or under the control of the city, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the city.

(13) Do such other things in relation to the fiscal or financial affairs of the city as the Mayor or Council directs. (Res. No. 2006-05, 5-8-06; Res. No. 2012-01, 4-24-12.)

Section C6-3. City Clerk. (Amended 5-5-80 by HR No. 3-80.)

The Clerk shall serve as Clerk to the Council and shall be appointed by and serve at the pleasure of the City Council, unless other written terms are agreed to by the city. He/she shall attend all meetings of the Council and keep a full and accurate account of the proceedings of the Council. He/she shall keep such other records and perform such other duties as may be required by this Charter, the Mayor, Council and the City Administrator, including maintaining an updated Charter, personnel manual, city code and maintaining city public documents. (Res. No. 2006-05, 5-8-06.)

Section C6-4. City Attorney.

Within sixty (60) days after the Mayor and Council just elected are [qualified] sworn in the City Attorney's position shall be subject to review by the City Council for appointment or reappointment.

The Mayor, with the approval of the Council, may appoint a City Attorney who shall serve at the pleasure of the Mayor and the City Council. The City Attorney shall be a member of the bar of the Maryland Court of Appeals. The City Attorney shall be the legal adviser of the city and shall perform such duties in this connection as may be required by the Council or the Mayor. His/her compensation shall be determined by the Council. The city shall have the power to employ such legal consultants as it deems necessary from time to time. (Res. No. 2003-09, 3-25-03; Res. No. 2006-05, 5-8-06.)

Section C6-5. Civil service.

The civil service of the city shall be divided into the unclassified and classified service.

A. *Unclassified service.* Employees in the unclassified service shall serve at the pleasure of the City Council or their designee and shall comprise the following offices and positions:

(1) The Mayor, the Councilmembers and persons appointed to fill vacancies in these positions.

(2) Members of all boards, commissions and committees created and appointed by the City Council to advise the City Council or staff and/or to perform a specific function.

(3) The City Attorney, Auditor and Engineer and such other independent contractors that provide ongoing services to the city pursuant to a contract with, or appointment by, the city.

(4) The City Administrator, the City Clerk, the Treasurer and the heads of all departments including the Chief of Police, the Director of Public Works, the Director of Code Enforcement, and the Director of Recreation and the Arts.

(5) Board of Election Supervisors.

(6) Other positions as designated by the City Council.

B. *Classified service.* The classified service shall comprise those permanent employment positions designated by the City Council as classified. After the probationary period employees included in the classified service shall ordinarily be dismissed only for cause or for general governmental reasons, including but not limited to budget enactments or the organization or reorganization of city services, as determined in the discretion of the City Council. (Res. No. 3-91, 1-21-92; Res. No. 2006-5, 5-8-06.)

Section C6-6. Establishment of personnel system; promulgation of rules and regulations. (See Note (1))

A. The City Council shall have power and authority to establish and approve a personnel manual setting forth the terms and policies regarding the employment of any or all municipal employees. The City Administrator or his/her designee shall, unless otherwise directed by the City Council, serve as the Personnel Officer for the city.

B. The Personnel Officer shall make such rules and regulations as are necessary to carry out the provisions of this section, preparing examinations and qualifications for employment or appointment and what may constitute cause for removal, but no removal shall be allowed because of sex, race or the religious or political opinions or affiliations of any employee. Such rules and regulations, when approved by the City Council, shall have the force and effect of law; provided, however, that such rules and regulations so made and approved shall not be inconsistent with any ordinance in such connection passed by the City Council. The Personnel Officer shall thereafter have the authority to interpret and clarify the rules and regulations approved by the City Council. (Res. No. 2006-05, 5-8-06.) (See note (6))

Section C6-7. Retirement or pension system. (See Note (1))

The City Council shall have the power to do all things necessary to include its officers and employees or any of them within any retirement system or pension system under the terms of which they are admissible and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the city.

Section C6-8. Compensation.

The compensation of all officers and employees of the city shall be set, from time to time, by an ordinance passed by the Council. (See note (1)) (Res. No. 4-91, 1-21-92.)

Section C6-9. Benefit programs. (See note (1))

The City Council is authorized and empowered, by ordinance, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees and to expend public moneys of the city for such programs.

ARTICLE VII

Public Ways and Sidewalks

Section C7-1. Definitions.

The term “public ways,” as used in this Charter, shall include all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

Section C7-2. Control and maintenance. (See note (1))

The city shall have control of all public ways in the city except such as may be under the jurisdiction of the State of Maryland. Subject to the laws of the State of Maryland and Prince George’s County, the city may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the city.

Section C7-3. Powers of city concerning public ways.

The city shall have the power to:

- A. Establish, regulate and change, from time to time, the grade lines, width and construction materials of any city public way or part thereof, bridges, curbs and gutters.
- B. Grade, lay out, construct, open, extend and make new city public ways.
- C. Grade, straighten, widen, alter, improve or close up any existing city public way or part thereof.
- D. Pave, surface, repave or resurface any city public way or part thereof.
- E. Install, construct, reconstruct, repair and maintain curbs and/or gutters along any city public way or part thereof.
- F. Construct, reconstruct, maintain and repair bridges and drainage systems.
- G. Name city public ways.
- H. Have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof.

Section C7-4. Powers of city concerning sidewalks.

The city shall have the power to:

A. Establish, regulate and change, from time to time, the grade lines, width and construction materials of any sidewalk or part thereof on city property along any public way or part thereof.

B. Grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter sidewalks on city property along any public way or part thereof.

C. Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow and other obstructions.

D. Require and order the owner of any property abutting on any public way in the city to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the city may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are city taxes or by suit at law.

Section C7-5. Acceptance of streets.

No street, avenue, road or alley shall be accepted until the same has been graded and graveled or paved, provided that, whenever the City Council shall determine it to be necessary for the public benefit that any unaccepted streets, avenues, roads or alleys should be taken over by it, it shall take supervision and control of the same and do such repair and construction work therein as it may deem proper.

ARTICLE VIII
Public Way and Sidewalk Improvements
 (Amended during codification (See note (7))

Section C8-1. Written approval from property owners required prior to permanent improvements; exceptions.

The City Council is hereby empowered and authorized to construct roadbeds, sidewalks, curbs, gutters and street and alley improvements, or any or all, in the city, in such cases as it may determine the same to be necessary for the public benefit, and for the benefit of the abutting land and of the owners of such abutting land, provided that, before any permanent street, sidewalk, curb and/or alley improvements shall be made under the provisions of this section, the City Council shall obtain from more than fifty percent (50%) of the property owners of record abutting upon such street, sidewalk, curb and/or alley their written approval of such permanent improvement and/or improvements; provided, however, that where there is a gap not exceeding one (1) block in length in the permanent paving of a street and such street is permanently paved for at least one-block distance in each direction from such gap, no written approval of any property owners need be obtained for the construction by the City Council and assessment of the costs thereof under this Article of a permanent roadbed, curbs and gutters in such gap to connect the aforementioned permanently paved portions of such street. No written approval of any property owners need be obtained for the construction by the City Council and assessment of the

costs thereof under this Article of a permanent roadbed, curbs and gutters in any street connecting with Baltimore Avenue for a distance of not exceeding one (1) block from Baltimore Avenue. If permanent roadbeds, curbs and/or gutters are constructed by the City Council under these provisions without the written approval of more than fifty percent (50%) of the property owners abutting thereon, the same sideline exemptions shall be granted to corner lots and to lots abutting on more than two (2) streets as are provided in Section C8-3 of this Charter, except that the cost of such exemptions shall be paid by the City Council out of any funds properly chargeable with such costs. The ten-year payment plan provided in this Article shall extend to and be accorded to the City Council in the same manner as accorded to property owners paying assessments under this Article.

Section C8-2. Notice and hearing.

When the City Council shall have determined to make roadbed, sidewalk, curb, gutter and street and alley improvements or all or any in the city, it shall thereupon notify, as far as practicable, each owner of land abutting upon such street or other proposed improvements by depositing said notice in the United States Post Office, addressed to such owner's last known address, setting forth that on a certain day to be named therein, which day shall be not less than one (1) week after the mailing of said notices, that the City Council will meet to consider the kind and character of roadbed, sidewalk, curb, gutter and street and alley improvements, or all or any, to be laid and notifying said owner to appear at said meeting and express his views on the question if he so desires; and that at such meeting, the City Council shall hear any suggestions of said owners and immediately thereafter or, within a reasonable number of days, shall determine the character and kind of work to be done, which determination shall be final and conclusive. (See notes (8) and (9).)

Section C8-3. Assessment of costs; payment and disposition.

A. *Authorized.* The City Council shall have the power to assess against the abutting property and collect from the owners thereof the cost of roadbeds, sidewalks, curbs, gutters, street and alley improvements or any or all constructed under the provisions of this Article, including the cost of street and public alley intersections, and all construction costs, including that for drains and culverts where necessary, excavation, preparation or plans, advertising for bids and supervision, and all costs for the preparation of ordinances pertaining to such improvements, costs for verification of titles, for service or mailing of notices to owners of abutting property as required by law and costs for the preparation of assessment collection rolls to be supplied for the use of the Treasurer of the city, provided that before any assessment is levied hereunder, notice, in writing, of the proposed assessment shall be sent to all owners of property against which the assessment is proposed to be levied, naming in such notice a time and place when and at which said owners will be heard. Such notice may be mailed to the last known address of the owner or served in person upon any adult occupying the premises or, in case of vacant or unimproved property, posted upon the premises.

B. *Amount.* If the property to be assessed for improvements under this Article is located at the intersection of two (2) streets and is what is known as a "corner lot," the City Council shall have the power to make an assessment for the number of feet in the front of such lot where the

improvements in question about the front of such lot; and, in case the improvements about the side of such a lot, the assessment made for such improvements against the lot shall be for one-half (1/2) of the number of linear feet of the side of said lot, not to exceed a total exemption of fifty (50) linear feet; and, for the purpose of assessment, the short side of such lot shall be considered the front of such lot; except, however, that in cases where the two (2) sides are equal or where improvements similar in kind to those being assessed have not been made along the short side of such lot, the City Council shall determine which is the front and which is the side of such lot, and such determination shall be final and conclusive. In the cases of lots abutting on more than two (2) streets and of lots of irregular or unusual shape and in cases of lots abutting on two (2) or more streets in one (1) or more of which improvements similar in kind to those being assessed have been or are about to be constructed under such circumstances as not to subject such lots to a special assessment by the City Council, the City Council shall have full power and authority to deny or grant side-line exemptions or otherwise adjust assessments to be made against such lots for the cost of improvements herein authorized abutting such lots to such an amount as shall be just and equitable. The cost of improvements exempted as provided in this section shall be included in the assessments to be made against the abutting property included in the project, and such adjustments as made by the City Council shall be final and conclusive.

C. Collection. Such assessments, when made, shall constitute a tax lien upon such abutting property and shall bear interest at the rate prescribed by law, and the principal of such assessments shall be payable in twenty (20) equal semiannual installments from the date of such assessment. At the time of the payment of each of said installments there shall be due and payable the interest on such installment and on the balance of the principal then unpaid. The owner or owners of any property assessed or anyone on his or their behalf shall at any time have the right to anticipate by payment all installments, with interest to date, of the assessment not then due. Any assessment or part thereof remaining due and unpaid shall be enforced and collected by the City Council in the same manner as special assessments are now enforced and collected as now or hereafter prescribed and required by law. The Treasurer of the city is charged with the custody of any moneys received from the sale of such bonds or certificates of indebtedness as above mentioned and with the prompt collection and safekeeping of the moneys arising from assessments upon roadbeds, sidewalks, curbs, gutters and street and alley improvements which last said funds shall be kept as a separate account and fund, and no part thereof shall ever be used for any other purpose than to liquidate the bonds or certificates of indebtedness and interest thereon issued for sidewalks, curbs, gutters, roadbeds and street and alley improvements, which bonds and certificates, when paid, shall be canceled and kept and filed among the papers of the city.

Section C8-4. Applicability of provisions to assessments previously made.

All special assessments and interest thereon heretofore made or to be made by the City Council for the cost of roadbeds, sidewalks, curbs, gutters and street improvements under the provisions of any law in force prior hereto which have not become fully due and which are now unpaid shall come within the provisions of this Article.

Section C8-5. Collection of assessments previously made.

A. All of such special assessments as referred to in Section C8-4 of this Charter shall be in default, shall bear the same penalties and shall be collected in the same manner as are now provided for by existing law and shall continue to be a lien upon the property against which they are levied and assessed as now provided by law, and nothing herein shall be construed to affect the validity of such lien or the effectiveness of such sale for default on future installments.

B. The City Council may renew, reissue, extend or refund any of the obligations of the city that may be outstanding, provision for the payment of which is dependent upon the payment of the special assessments provided for in this Article, for such time and at such a rate and upon such conditions as the City Council may determine.

Section C8-6. Authority to make improvements by contract.

The City Council is hereby authorized to make sidewalk, curb, gutter, roadbed and street improvements by contract, either by doing the work themselves without letting bids or by contracting for the same as provided in Section C5-21 of this Charter. All contractors for such street improvements shall give bond in such sum as the City Council shall require, with sufficient sureties to be approved by the City Council for the faithful performance of their contract; provided, however, that this section shall not be construed to apply where a majority of the land owners abutting the proposed improvement have requested that the improvements be made.

ARTICLE IX

City Property

Section C9-1. Acquisition, possession and disposal.

The city may acquire real, personal or mixed property within the corporate limits of the city for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease or otherwise dispose of any property belonging to the city. All municipal property, funds and franchises of every kind belonging to or in the possession of the Mayor and City Council of Hyattsville at the time this Charter becomes effective are vested in the city, subject to the terms and conditions thereof.

Section C9-2. Rental or lease of city-owned property.

The City Council may rent or lease for the benefit of the city any real property owned by the city that is not needed immediately for any municipal purpose.

Section C9-3. Condemnation of property. (See note (1))

The city shall have the power to condemn property of any kind or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the city, for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any state law applicable to the city shall be deemed to be a public purpose. The

manner of procedure in case of any condemnation proceeding shall be that established in the Annotated Code of Maryland entitled, "Eminent Domain."

Section C9-4. Acquisition and maintenance of buildings.

The city shall have the power to acquire, to obtain by lease or rent or to purchase, construct, operate and maintain all buildings and structures it deems necessary for the operation of the city government.

Section C9-5. Protection of city property.

The city shall have the power to do whatever may be necessary to protect city property and to keep all city property in good condition.

ARTICLE X

Off-Street Parking

Section C10-1. Acquisition of property. (See note (1))

The City Council, in addition to the corporate powers heretofore granted, is hereby authorized and empowered to acquire land and property of every kind, including property used or held for public or quasi-public purposes, by purchase, lease, gift, devise, condemnation or any other legal means for use and operation by the city as single- or multiple-deck off-street parking facilities for the storage and parking of vehicles and, in connection therewith, to raze existing buildings on any property so acquired and to improve, maintain and operate any such property and construct facilities thereon for the parking of automobiles or other vehicles by the general public and to install meters thereon and to make such rules and regulations governing such parking and the conduct of such parking lots, including the making, fixing and collection of charges for the use of the same, as the City Council may, by ordinance, decide. For the purpose of exercising the powers herein conferred, the City Council is authorized to proceed to acquire land and property of every kind required for any project covered by the provisions hereof, including property used or held for public or quasi-public purposes, by condemnation whenever it cannot agree with the owner thereof for the purchase of the same, and such condemnation proceedings shall be conducted in the manner provided by the Annotated Code of Maryland entitled "Eminent Domain," and all the rights, powers and privileges conferred by said statute shall be deemed applicable to and vested in the City Council. No such land or property taken by the city by condemnation for any of the aforesaid purposes shall be taken without just compensation, as agreed upon between the parties or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the City Council for any of the aforementioned purposes is hereby declared to be needed or taken for a public use. Any property so operated as an off-street parking facility shall be public property, and the city may provide, by ordinance for the operation of said off-street parking facility and may enforce all such ordinances through the established Police Department of said city. (See note (10))

Section C10-2. Charges and rentals; disposition of funds. (Amended 11-16-81 by HR No. 10-81.)

The City Council is hereby authorized to fix and to revise, from time to time, rates, rentals or charges for the use of its off-street parking facilities and to charge and collect the same and to contract with any person, partnership, association or corporation desiring the use of any facility or facilities provided under this Article and to fix the terms, conditions and rates of charges for such use. Whenever there are any bonds or certificates of indebtedness outstanding, all funds collected from the operation of the off-street parking facilities provided for in this Article must be deposited in the Parking Meter Fund account, to be used only for the purpose of paying the costs of the acquisition, planning, construction, operation and maintenance of the off-street parking facilities and payment, when due, of the interest and principal of all bonds and/or certificates of indebtedness maturing in each such fiscal year issued under the provisions of this Article.

Section C10-3. Levy of special ad valorem tax. (See note (1))

In the event that the funds collected from the operation of the off-street parking facilities in any fiscal year shall prove insufficient for the purposes set forth in Section C10-2 of this Charter, then and in that event only the City Council in the succeeding fiscal year is hereby authorized, empowered and directed to levy and cause to be collected a special tax in the nature of an ad valorem tax in an amount at a rate sufficient to make up any such deficiency. The ad valorem tax rate as determined shall be levied upon the assessed value of all real estate, including both the value of improvements and the value of the land which is zoned and/or used for commercial, industrial or general business use within the corporate limits of the city.

Section C10-4. Collection of special tax; notice and hearing.

The special taxes hereinabove authorized, if levied, shall be collected and have the same priority rights, bear the same interest and penalties as the city taxes and shall constitute a lien upon all property assessed; provided, however, that before any assessment is levied hereunder, notice, in writing, of the proposed assessment shall be sent to all owners of property against which the assessment is proposed to be levied, naming in said notice a time and place when and at which said owners will be heard. Said notice must be mailed seven (7) days before the date set for the hearing and will be sufficient if addressed to the owner at the address as it appears on the tax records of the city. Any person aggrieved by the action of the City Council in making such levy shall have the right to appeal to the Circuit Court for Prince George's County, Maryland, provided that such appeal is taken within thirty (30) days next succeeding the day on which said levy is made.

ARTICLE XI
Redevelopment; Urban Renewal
Repealed. See Appendix I

ARTICLE XII
General Provisions
(See note (11))

Section C12-1. Oath of office.

A. *Oath required.* Before entering upon the duties of their offices, the Mayor, the members of the City Council, the Clerk, the Treasurer, the City Administrator, the department heads and the members of the Board of Supervisors of Elections shall take and subscribe the following oath or affirmation: "I,, do swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof, and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of, according to the Constitution and laws of this state." (See note (1))

B. *Before whom taken and subscribed.* The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for the county or before one (1) of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor or his/her designee. (Res. No. 2005-09, 7-5-05.)

Section C12-2. Official bonds. (See note (1))

The Treasurer and such other officers or employees of the city as the Council or this Charter may require shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the city.

Section C12-3. Prior rights and obligations.

All right, title and interest held by the town or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the city, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter shall be instituted[,] proceeded with and prosecuted to final determination and judgment as if this Charter had not become effective.

Section C12-4. Effect of Charter on existing ordinances.

A. *Ordinances not in conflict with Charter remain in effect.* All ordinances, resolutions, rules and regulations in effect in the city at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.

B. *Ordinances, etc., in conflict with Charter repealed.* All ordinances, resolutions, rules and regulations in effect in the city at the time this Charter becomes effective which are in conflict with the provisions of this Charter be and the same are hereby repealed to the extent of such conflict.

Section C12-5. Severability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

APPENDIX I

Urban Renewal Authority for Slum Clearance

(See Note (12))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate, which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include —
 - (1) acquisition of a slum area or a blighted area or portion thereof;
 - (2) demolition and removal of buildings and improvements;
 - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this appendix in accordance with the urban renewal plan;
 - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
 - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
 - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate

obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban Renewal Area” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) “Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the City of Hyattsville, a municipal corporation of the State of Maryland. (Ch. 415, 1968.)

Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the

power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(2) to prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, including the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds;

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreement with any other public bodies or agencies (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any

contract for financial assistance with the Federal Government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(6) to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) to plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; provided the same shall be approved by the Maryland–National Capital Park and Planning Commission, and to make exceptions from city or town building regulations, but not county building regulations unless the same shall be approved by the county building inspector;

(8) to generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved; and

(9) to exercise all or any part or combination of powers herein granted.

Section A1–103. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this appendix or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this appendix granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1–104 of this appendix;

(2) The power to issue general obligation bonds pursuant to Section A1–109 of this appendix; and

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1–102(3) of this appendix.

Section A1-104. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which:

- (1) finds that one or more slum or blighted areas exist in such municipality;
- (2) locates and defines the said slum or blighted areas; and
- (3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1-105. Preparation and Approval of Plan for Urban Renewal Project.

(a) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved

by the municipality the modification shall be formally approved by the municipality as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private

redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period of not less than sixty days after the first date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

(e) In the event that urban renewal plans involve removal of residential housing, provision and plans must be made for their replacement with adequate facilities for the residents so displaced.

Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Annotated Code of Maryland.

Section A1-108. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by

the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the

balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this appendix or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government [Government] and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section A1-111. Separability.

If any provision of this appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

Section A1-112. Review and Approval.

All plans, whether preliminary or final, prepared or presented under the provisions of this appendix by the municipality shall not conflict with, and must conform to the master plan for Prince George's County. This provision shall be construed to mean that all urban renewal plans effecting a change in zoning shall be reviewed by the Maryland-National Capital Park and Planning Commission, and any zoning amendments pursuant to this urban renewal program must be approved by the District Council. (Ch. 415, 1968.)

Section A1-113. Short Title.

This appendix shall be known and may be cited as the Hyattsville Urban Renewal Authority for Slum Clearance Act.

Section A1-114. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

NOTES

(1) Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. III.

(2) Editor's Note: For current salary provisions, see Ch. 4, Administration of Government, Art. I.

(3) Editor's Note: Original Sec. 2-8, Vice-president of council, which immediately followed this section, was repealed 5-15-78 by HR No. 3-78.

(4) Editor's Note: Pursuant to HR 1-82, adopted 3-15-82, interest shall be at the rate of two-thirds of one percent ($\frac{2}{3}$ of 1%) per month, and the penalty shall be at the rate five-sixths of one percent ($\frac{5}{6}$ of 1%) per month of the tax amount overdue and in arrears for each month or fraction of a month until paid for the fiscal years 1982-83 and 1983-84, respectively.

(5) Editor's Note: Original Sections 5-20, Tax anticipation borrowing, etc.; 5-21, Payment of indebtedness; and 5-22, Previous issues of bonds, etc., which sections immediately followed this section, were repealed 5-15-78 by HR No. 4-78, and the remaining sections were renumbered accordingly.

(6) Editor's Note: Original Sec. 6-6, Prohibitions and penalties in connection with merit system, etc., which immediately followed this section, was deleted during codification.

(7) Editor's Note: See Sections C2-5 and C2-6 of the Charter, respectively.

(8) Editor's Note: See Ch. 1, General Provisions, Art. III.

(9) Editor's Note: Original Secs. 8-3, Borrowing power – Generally, and 8-4, Same – Sale of bonds; obligation of bonds, which sections immediately followed this section, were repealed 5-15-78 by HR No. 4-78.

(10) Editor's Note: Original Sections 10-2, Borrowing power – Generally, and 10-3, Same – Sale of bonds, which sections immediately followed this section, were repealed 5-15-78 by HR No. 4-78.

(11) Editor's Note: Original Article XII, Municipal Building, was repealed 5-15-78 by HR No. 4-78.

(12) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the City of Hyattsville in Chapter 783 of the Acts of the General Assembly of 1963. Further changes to this power were made by Chapter 415 of the Acts of 1968.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the city of Hyattsville appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

Formerly, the urban renewal powers appeared as Article XI, §§ C11–1 through C11–12, inclusive, of this Charter.